

amended their pleading and suggest some type of interest in different pieces of City property. They have no interest and no standing. Additionally, only political questions are raised by Plaintiffs' pleadings. Pursuant to Federal Rule 12(b)(1), all of the claims and causes of action against the City should be dismissed for lack of jurisdiction. A brief and appendix are filed in support of the motion.

II. In the Alternative, No Claim Is Stated

Plaintiffs initially brought this action to claiming "abridgments" to free speech and due process by the Defendants' actions in voting to remove and store a City-owned statue located at a City park. Plaintiffs abandoned any due process claim but the amended complaint repeats the claim regarding free speech. As to any claim of abridgment, the City Council vote occurred in a public City Council meeting after public notice and media attention, and only concerns government speech. No possible claim was stated. Plaintiffs' amended pleading suggests some type of claim of an interest in different pieces of City owned property. No possible claim is stated. Pursuant to Federal Rule 12(b)(6), all of the claims and causes of action against the Defendants should be dismissed for failing to state a claim. A brief and appendix are filed in support of the motion.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the Defendants requests that the Court grant in whole, or alternatively in part, their motion to dismiss for lack of jurisdiction or in the alternative their motion to dismiss for failure to state a claim, dismiss this action with prejudice, and grant Defendants such other relief as the Court finds just.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I certify that on September 29, 2017, I electronically filed the foregoing document with the clerk of court for the United States District Court for the Northern District of Texas using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all counsel of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Charles S. Estee
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